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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,946	10/21/2003	Masahiro Oguma	031124	3295
38834	7590	11/30/2005		
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER HOWELL, DANIEL W	
			ART UNIT 3722	PAPER NUMBER

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,946

Applicant(s)

OGUMA ET AL.

Examiner

Daniel W. Howell

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-21-03</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3722

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by German 2365033.

Note automatic lathe 5 and cabin/cover 1,2,3,4 which covers the machine tool body and is mounted on a floor.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by German 3545192.

Note machine tool 1 and cover 2, 3, which is mounted on the floor. The cover has angled slats/oil pan 4 which deflect oil and chips, such that vision through the transparent walls will not be hindered.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by German 19956343.

Note grinding tool 12 and cover 4, 5, which encloses the machine tool.

Art Unit: 3722

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese 1-306157. Figure 2 shows a robotic machine tool 8, 11, having control means 13, a worktable 10 which supports a workpiece, and an acrylic cover 12 which is mounted on the floor. The cover has a positioning portion which is in abutment with the rear of table 10 and the control means 13.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese 63-062636. The machine tool itself has a column 16 and a workpiece bed 10. A cover 30, 32, is supported by caster wheels 36 which are located on the floor. While the cover is placed on the floor, it has positioning members for fixing it to the column 16 and bed 10. Hinges 60, 62, mount an oil pan 64 and deflector 72 to the cover.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Winkler et al (4950113). Cover 40 is mounted on the floor. As seen in figure 3 a flange/positioning member of a trough 41 abuts against the body 42.

8. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaneda et al (6675549). See figures 4 and 5. Cover 119 is mounted on the floor around machine tool 107. The lower left portion of figure 4 shows an oil pan on the cover wall which deflects chips into a trough. The midsection of the cover shown in figure 5 has a section which is positioned against column 107.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3722

10. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winkler et al in view of Piotrowski (5181898). Winkler et al shows a trough 41 adjacent side wall 40 for catching chips at the end of the worktable support, but chips will also fall in the space between the work support and the elongated wall of the cover (with regard to figure 2, this space would be within the cover 40, toward the bottom of figure 2). Piotrowski shows a chip collection system where oil pans 71 located on walls 61, 70, deflect chips into a collection trough. It is considered to have been obvious to have provided the cover of Winkler et al with the oil pan as taught by Piotrowski in order to collect more of the chips and provide a cleaner workspace.

11. Claims 5-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Boyer Ashley, may be reached at 571-272-4502.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.



Daniel W. Howell
Primary Examiner
Art Unit 3722